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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,586	08/29/2003	Dennis York	TRMB1412	9289

7590 01/24/2007
WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/651,586	YORK, DENNIS	
	Examiner	Art Unit	
	Tammara R. Peyton	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie (US 6,798,647).

As per claim 1, Dickie teaches a processing unit (PDA, 102) for an electronic instrument

comprising:

a signal/data processor (figure 4, element 400);

an exposed external electrical contact (304) for receiving electric power input (using interface 404 to 414 via communication channel 420);

an exposed external electrical contact (304) for receiving an electric signal input (using interface 404 to 414 via communication channel 420);

an exposed external electrical contact for (304) transmitting an electrical signal output (using interface 404 to 414 via communication channel 420);

and

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a housing (102) comprising mechanical retention features for securely attaching a battery/input/output module. (see figure 4, housing of PDA 102 securely attaches to battery/input/output module 104, col. 3, lines 62-col. 4, lines 1-47)

As per claims 2-4, 6, and 7, Dickie teaches wherein said processing unit comprises a memory (402), keypad (206), microprocessor (400), and touch panel display (Fig. 4, 204).

As per claim 5, Dickie teaches wherein the contacts may be sealed through the attachment of a cover to the surface of said housing.

As per claim 8, Dickie teaches a portable battery/input/output module (portable computer, 104) for a portable electronic instrument comprising:

a storage device (Fig. 4) for electric energy;

an exposed external electrical contact (310, Fig. 3) for transmitting electric power; (using interface 414 to 404 via communication channel 420);

an exposed external electrical contact (310, Fig. 3) for receiving an electric signal input; (using interface 414 to 404 via communication channel 420);

an exposed external electrical contact (310, Fig.3) for transmitting an electrical signal output; (using interface 414 to 404 via communication channel 420);

a housing (120, Fig.1) comprising mechanical retention features for securely attaching a processing unit.(cols. 2-5)

As per claim 9, Dickie teaches wherein the contacts may be sealed through the

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attachment of a cover to the surface of said housing.

As per claim 13 and 14 Dickie obviously teaches further comprising an embedded inductive charger for said energy storage device (col. 4 lines 4-11).

As per claim 15-19, Dickie teaches a processing unit coupled to a battery/input/output module, please see rejection for claims 1 and 8 above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie (US 6,798,647) and Kamijo et al., (US 6,538,880) or Ross (5,859,628), previously cited.

As per claim 20, Dickie does not expressly teach of said portable electronic instrument comprises a GPS, however, Kamijo teaches a portable electronic instrument that exchanges data and has the ability to charge the battery of the instrument wherein the instrument comprises GPS. It would have been obvious to one of ordinary skill at the time the invention was made that Dickie would have been motivated to implement other types of application program includes a GPS application program as taught by Kamijo because doing so would add and expand the flexibility of Dickie's portable electronic instrument. Further, Ross teaches a portable electronic instrument that comprises a GPS and it would have been obvious to one of ordinary skill that Dickie would have been motivated to implement other types of application program includes a GPS application program as taught by Ross because doing so would add and expand the flexibility of Dickie's portable electronic instrument.

Response to Applicant's Arguments

Applicant argues that portable computer 104 is not at least a part battery/input/output module. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the battery/input/output module 110 houses a rechargeable energy storage device that is coupled to at least one of the contacts 125..) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner is taking the position that the portable computer 104 is part battery source and an input/output module when connected to PDA 102. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

Applicant's arguments filed 10/31/06 have been fully considered but they are not persuasive.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

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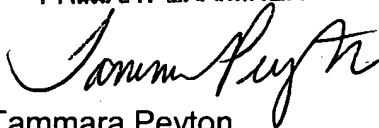
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USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

TAMMARA PEYTON
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written over the printed name.

Tammara Peyton

January 21, 2007